



RECEIVED
JAN 22 2002
TECH CENTER 1600/2900
1642
4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Art Unit: 1642
Etsuro OGATA et al -) Examiner: A. Harris
Appln. No.: 09/763,370) Washington, D.C.
Date Filed: February 21, 2001) ATTY.'S DOCKET: OGATA=4
For: METHOD OF DIAGNOSING BONE) January 16, 2002
METASTASIS OF MALIGNANT...)

INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir :

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

1. This IDS should be considered, in accordance with 37 CFR §1.97, as it is filed:

(Check one of the boxes A-D)

☐ A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.

☐ B. before the mailing date of a first office action on the merits.

☒ C. after (A) and (B) above, but before final rejection or allowance, and Applicants have made the necessary

certification (box "i" below) or paid the necessary fee (box "ii" below).

(Check one of the boxes "i" and "ii" below:)

☐ i. Counsel certifies that, upon information and belief, each item of information listed herein was either

☐ (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

☐ (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, was not known to any individual designated in §1.56(c) more than three months prior to the filing of this IDS.

(use one and delete other of following)

☐ ii. A check (check no. _____) for the fee set forth in §1.17(p), presently believed to be \$180, is enclosed.

☒ ii. Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in §1.17(p), presently believed to be \$180.

☐ D. after (A), (B) and (C) above, but before payment of the issue fee: Applicant(s) petitions under 37 CFR §1.97(d) for consideration of this IDS. ***(use one and delete other of following and this note)*** A check (check no. _____) for/ Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in §1.17(i), presently believed to be \$130 is enclosed. Counsel certifies that, upon

information and belief, each item of information listed herein was either

(Check one of the boxes "a" and "b" below)

- ☐ (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- ☐ (b) was not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was not known to any individual designated in §1.56(c) more than three months prior to the filing of this IDS.

2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., Form PTO/SB/08A) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. A copy of each document listed is attached.

3. Documents AA, AB and AC are not in the English language. In accordance with §1.98(c), Applicant(s) states:

- ☒ A partial English translation of each document AA, AB and AC (or of the pertinent portions thereof) is enclosed.
- ☒ A concise explanation of the relevance of documents AA, AB and AC is found in the attached International search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).

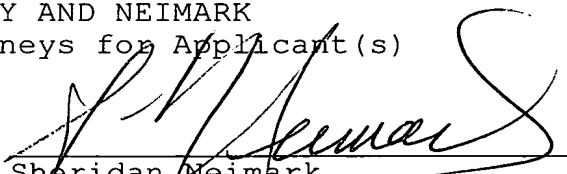
4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

5. In accordance with 37 CFR §§1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56 (b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant(s) reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

BROWDY AND NEIMARK
Attorneys for Applicant(s)

By:


Sheridan Neimark
Reg. No. 20,520

624 Ninth Street, N.W., Suite 300
Washington, D.C. 20001-5303
Telephone: (202) 628-5197
Facsimile: (202) 737-3528
F:\Y\YUAS\OGATA4\PTO\IDS16January02.doc